

## REMARKS

The present application was filed on January 20, 2000 with claims 1 through 12. Claims 2, 3, 5, 6, 8, 9, 11, and 12 were previously cancelled. Thus, Independent Claims 1, 4, 7 and 10 are presently pending in the above-identified patent application. Claim 7 is amended herein to correct a typographical error leading to a lack of antecedent basis.

In the Office Action, the Examiner rejected the pending independent claims 1, 4, 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Cruickshank (United States Number 6,389,005) in view of Yu (United States Number 5,787,347) and Cummins (United States Number 6,292,910).

With regard to claims 1, 4, 7 and 10, the Examiner acknowledges that Cruickshank is silent on setting a timer that will cause the congestion indicator flag to automatically expire after a predefined period of time, wherein the timer expires after a period of time within which the congestion is expected to be alleviated. The Examiner asserts, however, that Yu teaches setting a timer that will cause the congestion indicator flag to automatically expire after a predefined period of time. (citing col. 6, lines 24-31).

Nonetheless, the Examiner acknowledges that the combination of Cruickshank and Yu is silent on the timer expiring after a period of time within which the congestion is expected to be alleviated. The Examiner asserts, however, that Cummins teaches setting the timer to expire after a given situation is expected to be completed. (citing col. 1, lines 19-22).

In the passages cited by the Examiner, however, Cummins merely notes that:

A prior approach to *detecting* bus deadlocks is to set a timer to expire some time after a bus transaction is expected to be completed, then using the expiration of the timer as an indication that a deadlock has occurred.

Col. 1, lines 19-22 (emphasis added).

Thus, Cummins is discussing a technique for *detecting* bus deadlock. A timer is set within which some action on a bus is expected to be completed. If the action is not completed within this expected time, a deadlock condition on the bus is presumed. In other

words, upon expiration of the timer, a deadlock condition may be declared. Thus, the timer provides a mechanism for *predicting* deadlock. This is significantly different than the context of the present invention. Applicants submit that to the extent relevant to the present invention at all, Cummins is only relevant to the portion of each claim that is directed to  
5 determining whether a path is congested (for example, “determining if a primary path ... is congested ...” as set forth in claim 1).

Applicants submit that the timer discussed in Cummins has absolutely *no* bearing on determining when the bus deadlock condition (or congestion) is expected to be *resolved or alleviated*. Thus, Cummins does not disclose or suggestion expiring a timer after  
10 a period of time within which congestion is expected to be *alleviated*, as required by each independent claim.

Conclusion

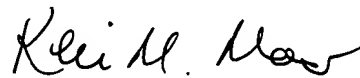
All of the pending claims 1, 4, 7 and 10 are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner’s attention to this matter is greatly appreciated.

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Respectfully submitted,



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